IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

TUESDAY THE FOURTEENTH DAY OF DECEMBER

TWO THOUSAND AND FOUR

PRESENT :

THE HON'BLE MR. JUSTICE : **L. NARASIMHA REDDY**

WRIT PETITION No. 23239 of 2004

Between:

Chirala Cable Centre pvt.Limited, 23-2-12/13, Gattuvari Street, Chirala, Prakasam District, rep.by its Chairman & Managing Director, Daggupati Srinivasa Prasad

..... Petitioner

AND

1. The Divisional Engineer(Central) South Central Railway, Vijayawada
2. The Divisional Rly.Manager, Works Branch, South Central Railway, Vijayawada
3. Superintendent Engineer,. (P-Way) South Central Railway, Chirala

.....Respondent(s)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ, order or direction, more particularly writ of mandamus, declaring the action of the respondents herein demanding excess licence fee vide their letter No. B/W.93/1/1CC/CLX/Works, dated 16-12-2003 from the petitioner herein, where the licence of the petitioner is subsisting till, 31-5-2005, on payment licence fee, as illegal, arbitrary, and violate of Article 14, 16 and 21 of the Constitution of India.

The petition coming on for hearing, upon perusing the petition and the affidavit filed therein and upon hearing the arguments of MR. D.Sudarshan Reddy Advocate for the petitioner and Mr. Gouri Shankar Sanghi, SC for Railways on behalf of the respondents.

The Court made the following

ORDER:

"Post on 21-12-2004 in Motion list.

Prima facie, it is evident that the petitioner has already paid a sum of Rs. 24,000/- towards licence fee for three years i.e. from 1-6-2002 to 31-5-2003.

In that view of the matter, there shall be an interim stay of removal of cables underneath the railway track, for a period of one week."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Divisional Engineer(Central) South Central Railway, Vijayawada
2. The Divisional Rly.Manager, Works Branch, South Central Railway, Vijayawada
3. The Superintendent Engineer, (P-Way) South Central Railway, Chirala

4 One Spare Copy

YVN

HIGH COURT

LNRJ

DATED: 14-12-2004

NOTE: POST ON 21-12-2004
IN MOTION LIST

ORDER
W.P.NO. 23239 OF 2004

DIRECTION

HIGH COURT

YVN
DRAFTED ON: 15-12-2004

LNRJ

DATED: 14-12-2004

NOTE: POST ON 21-12-2004
IN MOTION LIST

ORDER
W.P.NO. 23239 OF 2004

DIRECTION